

DECLARATION OF EMERGENCY

Department of Insurance Office of the Commissioner

Rule 15C Suspension of Certain Statutes and Regulations
Regarding Cancellations, Non-Renewals, Reinstatements,
Premium Payments, Claim Filings and Related Provisions
Regarding Any and All Insurance Matters Affecting
Insureds in Louisiana Caused by Hurricane Katrina
(LAC 37:XI.Chapter 27)

Emergency Rule 15 is issued pursuant to the plenary authority of the Commissioner of Insurance for the State of Louisiana, including, but not limited to, the following: Proclamation No. 48 KBB 2005 issued on August 26, 2005 by Governor Kathleen Babineaux Blanco declaring a State of Emergency; Executive Order No. KBB 2005 - 40 issued September 19, 2005 by Governor Kathleen Babineaux Blanco transferring authority over any and all insurance matters to Commissioner of Insurance J. Robert Wooley (commissioner); R.S. 29:724; R.S. 29:766; R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

On August 26, 2005, Governor Kathleen Babineaux Blanco declared the existence of a State of Emergency within the state of Louisiana caused by Hurricane Katrina. This State of Emergency extends from Friday, August 26, 2005 through Sunday, September 25, 2005.

Thousands of Louisiana citizens have suffered damages due to Hurricane Katrina. In some places, it could be months before electricity is restored. The homes of many Louisiana citizens were destroyed precluding habitation and the delivery of mail. This disruption has affected the ability of these citizens to pay their insurance premiums, access their insurance policies, and communicate with insurance agents and their respective insurance companies for insurance related matters. Hurricane Katrina has created a mass disruption to the normalcy previously enjoyed by Louisianians and produced an immediate threat to the public health, safety, and welfare of Louisiana citizens.

The commissioner will be hindered in the proper performance of the duties and responsibilities regarding this State of Emergency without the authority to suspend certain statutes in the Louisiana Insurance Code and the rules and regulations that implement the Louisiana Insurance Code including, but not limited to, cancellation, nonrenewal, reinstatement, premium payment and claim filings with regard to any and all types of insurance subject to the Louisiana Insurance Code.

In light of this, Emergency Rule 15 is issued and shall apply to all insurers, HMOs, health and accident insurers, property and casualty insurers, surplus lines insurers and any and all other entities doing business in Louisiana and/or regulated by the commissioner, including any entity enumerated in Emergency Rule 17, regarding any and all types of insurance, including, but not limited to, flood insurance, homeowners insurance, life insurance, health and accident insurance, limited benefit insurance, vehicle insurance, liability insurance, workers' compensation insurance, burglary and forgery insurance, glass insurance,

fidelity and surety insurance, title insurance, fire and extended coverage insurance, steam boiler and sprinkler leakage insurance, crop and livestock insurance, marine and transportation insurance, credit life, medical supplement insurance, credit property and casualty insurance, annuity insurance, HMOs, professional and medical malpractice liability insurance, property and casualty insurance, all surplus lines insurance, self insurance funds, reciprocal insurance and any and all other insurance related entities licensed by the Commissioner or doing business in Louisiana.

Emergency Rule 15 is applicable to insureds, as defined in §2701, from the following seven primary parishes: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, and Washington. Emergency Rule 15 is also applicable to insureds, as defined in §2701, from the following seven secondary parishes: Lafourche, Livingston, St. Charles, St. James, St. John the Baptist, St. Mary and Terrebonne. The zip codes applicable to these seven primary parishes include, but may not be limited to, the list identified as "Hurricane Katrina Seven Primary Parish Zip Code List" found on the official Louisiana Department of Insurance Web site at www.ldi.state.la.us. The zip codes applicable to the seven secondary parishes include, but may not be limited to, the list identified as "Hurricane Katrina Seven Secondary Parish Zip Code List" found on the official Louisiana Department of Insurance Web site at www.ldi.state.la.us. Insureds shall include, but not be limited to, any and all policyholders, members, subscribers and certificate holders.

In the ordinary course of business, insurers, HMOs, health and accident insurers, property and casualty insurers, surplus lines insurers and any and all other entities doing business in Louisiana and/or regulated by the commissioner and other entities send notices to insureds, many of which are required by statute, giving the insured certain limited periods of time within which to pay premiums or otherwise respond. Hurricane Katrina and its aftermath have produced a disruption in the notification process because of the inability of insureds to receive mail due to mandatory evacuations and/or the destruction of their homes. Thus, many of Hurricane Katrina's victims are currently unable to timely act or respond to such notices or to pay insurance premiums and need additional time within which to act or respond. Some insurers, HMOs, health and accident insurers, property and casualty insurers, surplus lines insurers and any and all other entities doing business in Louisiana and/or regulated by the Commissioner and other entities may attempt to cancel, nonrenew or not reinstate such insurance policies. Additionally, some insureds with policies in force as of 12:01 a.m. on August 26, 2005, who wish to make timely payment, are also prevented from making such payment because of the aforementioned circumstances. This could result in an insured being without coverage and/or potentially uninsured. Emergency Rule 15 provides emergency relief to the insureds of Louisiana affected by Hurricane Katrina and its aftermath so that they will be insured and their coverage will continue under those policies that were in effect as of 12:01 a.m. on August 26, 2005.

Title 37
INSURANCE
Part XI. Rules

Chapter 27. Emergency Rule 15C Suspension of Certain Statutes and Regulations Regarding Cancellations, Non-Renewals, Reinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Katrina

§2701. Benefits, Entitlements, and Protections

A. The benefits, entitlements and protections of Emergency Rule 15 shall be applicable to insureds who, as of 12:01 a.m. on August 26, 2005 had a policy or contract for any of the types of insurance enumerated in §2703.A, and meet one of the following criteria.

1. Any person who, as of August 26, 2005, resided in one of the following seven primary parishes: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa and Washington. The zip code for these seven primary parishes is on the list identified as "Hurricane Katrina Seven Primary Parish Zip Code List" found on the official Louisiana Department of Insurance Web site at www.ldi.state.la.us.

2. Any person whose primary place of employment was in, or whose permanent employer had assigned said person to a business located in, one of the seven primary parishes enumerated in §2701.A shall be eligible to be defined as an insured if said person verifies such employment status by written documentation to his insurer. No insurer shall unreasonably withhold eligibility to an insured upon receipt of such written documentation.

3. Any person who, as of August 26, 2005, resided in one of the following seven secondary parishes: Lafourche, Livingston, St. Charles, St. James, St. John the Baptist, St. Mary and Terrebonne. However any such person shall only be eligible to be defined as an insured if said person obtains written documentation from either the chief executive officer of the applicable parish of the person or the United States Postal Service that said person incurred an interruption of mail service after August 26, 2005. The zip code for these seven secondary parishes is on the list identified as "Hurricane Katrina Seven Secondary Parish Zip Code List" found on the official Louisiana Department of Insurance internet Web site at www.ldi.state.la.us.

4. Nothing in Emergency Rule 15 shall preclude an insurer from voluntarily applying the provisions of Emergency Rule 15 relating to cancellation, nonrenewal and nonreinstatement to any other person who is an insured and who resides in any parish other than the parishes set forth in §2701.A.1 or 3.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2703. Application

A. Emergency Rule 15 shall apply to any and all types of insurance, including, but not limited to, flood insurance, homeowners insurance, life insurance, health and accident insurance, limited benefit insurance, vehicle insurance, liability insurance, workers' compensation insurance,

burglary and forgery insurance, glass insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, steam boiler and sprinkler leakage insurance, crop and livestock insurance, marine and transportation insurance, credit life, medical supplement insurance, credit property and casualty insurance, annuity insurance, HMOs, professional and medical malpractice liability insurance, property and casualty insurance, all surplus lines insurance, self insurance funds, disability insurance, reciprocal insurance and any and all other insurance related entities licensed by the commissioner or doing business in Louisiana.

B. Any statutory or regulatory provision, or any policy provision contained in any and all policies of insurance set forth in Subsection A above, shall be suspended to the extent that said statutory or regulatory provision, or policy provision, imposed upon an insured a time limit to perform any act or transmit information or funds with respect to any insurance enumerated in Subsection A above, which act or transmittal was to have been performed on or after 12:01 a.m. on August 26, 2005. The time limit for any such performance, act or transmittal shall be suspended during the term of the present State of Emergency, and any subsequent State of Emergency declared thereafter, with regard to Hurricane Katrina or its aftermath.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2705. Cancellation, Nonrenewal, and Nonreinstatement

A. Emergency Rule 15 hereby suspends any notice of cancellation, notice of nonrenewal, nonreinstatement or any other notice related to any of the types of insurance enumerated in §2703.A that was in force and effect at 12:01 a.m. on August 26, 2005, and any such action shall be null and void and have no force or effect. Furthermore, any such notice shall be reissued *de novo* to the insured in accordance with existing statutory requirements after the expiration of the present State of Emergency, or any subsequent State of Emergency, related to Hurricane Katrina or its aftermath has been lifted by Governor Kathleen Babineaux Blanco.

B. Any and all provisions in the Louisiana Insurance Code relative to providing for a premium finance company to act on behalf of and/or as agent for an insurance company are hereby suspended. In furtherance thereof, the right, entitlement, legal provision or any other form of legal authority, including any policy provision, of any and all insurers to send a notice of cancellation is suspended effective 12:01 a.m. on August 26, 2005 and shall remain suspended during the State of Emergency related to Hurricane Katrina and its aftermath. Emergency Rule 15 hereby suspends the right of any insurer to utilize the services of a premium finance company to issue any such notice to any insured.

C. No policy shall be cancelled or nonrenewed solely because of a claim resulting from Hurricane Katrina or its aftermath.

D. Except as provided for in §2703.B, the cancellation of any and all types of insurance enumerated in §2705.A, including, but not limited to, flood insurance, homeowners insurance, life insurance, health and accident insurance,

limited benefit insurance, vehicle insurance, liability insurance, workers' compensation insurance, burglary and forgery insurance, glass insurance, fidelity and surety insurance, title insurance, fire and extended coverage insurance, steam boiler and sprinkler leakage insurance, crop and livestock insurance, marine and transportation insurance, credit life, medical supplement insurance, credit property and casualty insurance, annuity insurance, HMOs, professional and medical malpractice liability insurance, property and casualty insurance, all surplus lines insurance, self insurance funds, disability insurance, reciprocal insurance and any and all other insurance related entities licensed by the commissioner or doing business in Louisiana, is hereby suspended and shall not be allowed until the State of Emergency declared by Governor Kathleen Babineaux Blanco with regard to Hurricane Katrina or its aftermath has been lifted.

E. Except as provided for in §2705.B the nonrenewal or nonreinstatement of any and all types of insurance enumerated in §2705 herein and in §3101.B, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 is hereby suspended and shall be deferred until January 1, 2006.

F. Any rate increase that may be applicable to any and all types of insurance enumerated in §2703 herein and in §3101.B, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 shall be deferred until January 1, 2006, and said insurance shall continue in full force and effect until January 1, 2006 at the previously established premium.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2707. Copy of Policy

A. If an insured requests from his insurer a copy of the policy the insurer shall provide a copy of the requested policy to the insured without any charge or fee.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2709. New Policies

A. The provisions of Emergency Rule 15 shall not apply to any new policies of insurance for the types of insurance enumerated in Emergency Rule 15 if said insurance policy was issued on or after 12:01 a.m. August 26, 2005.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2711. New Rate or Premium

A. Emergency Rule 15 shall not affect the right of any insurer to implement a new rate or premium for any policy of insurance enumerated in §2703.B if the new rate or premium had been approved for implementation by the commissioner on or before July 31, 2005, or if the insurer had mailed to the insurer the notice of the new rate or premium on or before July 31, 2005.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2713. Premium Offset

A. All insurers regulated by Emergency Rule 15, including, but not limited to, property and casualty insurers, surplus lines insurers and any and all other entities doing business in Louisiana and/or regulated by the commissioner and other similar or related entities receiving a claim from an insured owing a premium may offset the premium that is owed by the insured from any claim payment made to the insured under the policy. §2715 is not applicable to health insurance issuers, HMOs, PPOs, MCOs, TPAs or any other health insurance entities doing business in Louisiana and/or regulated by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2715. Written Request for Cancellation

A. A cancellation shall not occur prior to the expiration of the State of Emergency or any subsequent State of Emergency related to Hurricane Katrina and its aftermath, unless upon the documented written request or written concurrence of the insured.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2717. Obligation to Pay Premium

A. Unless otherwise cancelled pursuant to the provisions of §2715 herein, nothing in Emergency Rule 15 shall be construed to exempt or excuse an insured from the obligation to pay the premiums otherwise due for actual insurance coverage provided.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2719. Fraud or Material Misrepresentation

A. Emergency Rule 15 shall not prevent an insurer from canceling or terminating a policy of insurance for fraud or material misrepresentation on the part of the insured.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2721. Insured's Obligation

A. Emergency Rule 15 shall not relieve an insured who has a claim caused by Hurricane Katrina or its aftermath from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to the claim.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2723. Interest, Penalty, Fee, or Other Charge

A. The right of an insurer to impose or levy any interest, penalty, fee or other charge is hereby suspended until the present State of Emergency, or any subsequent State of Emergency, related to Hurricane Katrina or its aftermath has been lifted by Governor Kathleen Babineaux Blanco.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2725. Exemption from Compliance

A. Notwithstanding any other provision contained herein, the commissioner may exempt any insurer from compliance with Emergency Rule 15 upon the written request by the insurer if the commissioner determines that compliance with Emergency Rule 15 may be reasonably expected to result in said insurer being subject to undue hardship, impairment, or insolvency.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2727. Purpose

A. The provisions of Emergency Rule 15 shall be liberally construed to effectuate the intent and purposes expressed herein and to afford maximum consumer protection for the insureds of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2729. Penalty for Violation

A. The commissioner retains the sole authority to enforce violations of Emergency Rule 15. Accordingly, any insurer enumerated in Emergency Rule 15 or other entity doing business in Louisiana and/or regulated by the commissioner who violates any provision of Emergency Rule 15 shall be subject to prosecution by the commissioner under any applicable provisions of the Louisiana Insurance Code, including the provisions of the R.S. 22:250.41, et seq., 22:1211, et seq., and specifically including, but not limited to, R.S. 22:1214(7), (12) and (14). Additionally, the penalty provisions set forth in R.S. 22:1217 shall be applicable. These provisions include penalties of \$1,000 for each separate act, or \$25,000 for each separate act if the violator knew or reasonably should have known he was in violation of Emergency Rule 15, as well as a cease and desist order and the imposition of other penalties and suspension or revocation of the license. Additionally, R.S. 22:1220, which, among other things, imposes the obligation of good faith and fair dealing shall also be subject to the sole enforcement authority of the commissioner. This law sets forth penalties and exemplary damages which shall be enforceable by the commissioner for any violation of Emergency Rule 15. Finally, the commissioner reserves the sole right to make the determination regarding whether any violator shall be subject to any and all other applicable civil and criminal sanctions for violations of Emergency Rule 15.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2731. Rule Amendment

A. The commissioner reserves the right to amend, modify, alter or rescind all or any portions of Emergency Rule 15.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2732. Severability Clause

A. If any section or provision of Emergency Rule that is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of Emergency Rule 15, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2733. Effective Date

A. Emergency Rule 15 shall become effective at 12:01 a.m. on August 26, 2005 and shall continue in full force and effect for the duration of the present State of Emergency proclaimed by Governor Kathleen Babineaux Blanco, or any subsequent State of Emergency proclamation made thereafter.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-48, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

J. Robert Wooley
Commissioner

0510#009

DECLARATION OF EMERGENCY

Department of Insurance Office of the Commissioner

Rule 16C Registration of Public Insurance Adjusters
Actively Engaged in the Settlement of Claims and Damages
Resulting from Hurricane Katrina (LAC 37:XI.Chapter 29)

Emergency Rule 16 is issued pursuant to the plenary authority of the Commissioner of Insurance for the state of Louisiana, including, but not limited to, the following: Proclamation No. 48 KBB 2005 issued on August 26, 2005 by Governor Kathleen Babineaux Blanco declaring a State of Emergency; Executive Order No. KBB 2005 - 40 issued September 19, 2005 by Governor Kathleen Babineaux Blanco transferring authority over any and all insurance matters to Commissioner of Insurance J. Robert Wooley (commissioner); R.S. 29:724; R.S. 29:766; R.S. 22:2; R.S. 22:3; R.S. 22:1214.(7), (12) and (14); R.S. 49:950 et seq.

On August 26, 2005, Governor Kathleen Babineaux Blanco declared a State of Emergency within the state of Louisiana in response to the expected landfall of Hurricane Katrina. As a result of the hurricane's landfall, Hurricane

b. has furnished satisfactory data to DHH regarding the commercial insurance payments made to its employed physicians and other professional service practitioners.

B. The supplemental payment to each qualifying physician or other eligible professional services practitioner in the practice plan will equal the difference between the Medicaid payments otherwise made to these qualifying providers for professional services and the average amount that would have been paid at the equivalent community rate. The community rate is defined as the average amount that would have been paid by commercial insurers for the same services.

C. The supplemental payments shall be calculated by applying a conversion factor to actual charges for claims paid during a quarter for Medicaid services provided by the state-owned or operated practice plan providers. The commercial payments and respective charges shall be obtained for the state fiscal year preceding the reimbursement year. If this data is not provided satisfactorily to DHH, the default conversion factor shall equal "1." This conversion factor shall be established annually for qualifying physicians/practitioners by:

1. determining the amount that private commercial insurance companies paid for commercial claims submitted by the state-owned or operated practice plan or entity; and

2. dividing that amount by the respective charges for these payers.

D. The actual charges for paid Medicaid services shall be multiplied by the conversion factor to determine the maximum allowable Medicaid reimbursement. For eligible non physician practitioners, the maximum allowable Medicaid reimbursement shall be limited to 80 percent of this amount.

E. The actual base Medicaid payments to the qualifying physicians/practitioners employed by a state-owned or operated entity shall then be subtracted from the maximum Medicaid reimbursable amount to determine the supplemental payment amount.

F. The supplemental payment for services provided by the qualifying state-owned or operated physician practice plan will be implemented through a quarterly supplemental payment to providers, based on specific Medicaid paid claim data.

Implementation of this Emergency Rule shall be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Ben A. Bearden at the Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0511#061

DECLARATION OF EMERGENCY

Department of Insurance Office of the Commissioner

Rule 15—Suspension of Certain Statutes and Regulations
Regarding Cancellations, Non-Renewals, Reinstatements,
Premium Payments, Claim Filings and Related Provisions
Regarding Any and All Insurance Matters Affecting
Insureds in Louisiana Caused by Hurricane Katrina
(LAC XI.2737-2745)

Emergency Rule 15 was issued on September 20, 2005 and is retroactive to 12:01 a.m. on August 26, 2005. As justification for the action taken pursuant to this amendment, J. Robert Wooley, Commissioner of Insurance ("Commissioner"), hereby reiterates, reaffirms and readopts all of the sections and provisions set forth in original Emergency Rule 15 by reference as if set forth herein *in extenso*.

The commissioner has determined that Emergency Rule 15 has had the desired effect of providing sufficient time for insureds in Louisiana to protect their insurance needs, make claims for a covered loss under the insurance policy and/or take sufficient action to begin the process to return to normalcy in the post-Katrina era. Additionally, the commissioner has determined that the viability of the insurance industry and the ability of Louisiana insureds to continue to obtain affordable insurance for all the various types of insurance necessary to maintain a healthy economy may be negatively impacted if Emergency Rule 15 is not terminated at some reasonable dates in the near future.

Accordingly, the commissioner has determined, pursuant to the grants of authority set forth in the original Emergency Rule 15, that it is appropriate to set dates for the systematic and methodical termination of Emergency Rule 15. Additionally, the commissioner has determined that it is proper to distinguish between the types of insurance that may still need to be extended to insureds as well as to distinguish between those insureds located in the primary parishes that may still need some additional time to handle their insurance needs. Finally, the commissioner has determined that it is appropriate to delineate between the types of insurance for which no further extension of time is needed by insureds as well as to delineate between the category of insureds located in those primary parishes that have had sufficient time to determine their insurance needs, handle any claims for covered losses and/or make premium payments with regard their insurance matters.

In light of this, Emergency Rule 15 is hereby amended to provide various termination dates for various types of insurance and to provide for termination dates with regard to those insureds located in both the primary and secondary parishes as defined in Emergency Rule 15. To facilitate cross referencing, this amendment will set forth both the Section of Emergency Rule 15 as issued by the commissioner and the Section of the Emergency Rule 15 as published by the Office of the State Register. This Declaration of Emergency was adopted on November 1, 2005.

Title 37
INSURANCE
Part XI. Rules

Chapter 27. Rule 15—Suspension of Certain Statutes and Regulations Regarding Cancellations, Non-Renewals, Reinstatements, Premium Payments, Claim Filings and Related Provisions Regarding Any and All Insurance Matters Affecting Insureds in Louisiana Caused By Hurricane Katrina

§2737. Affirmation of Emergency Rule 15 and Amendment

A. Emergency Rule 15 was previously adopted by the commissioner on September 20, 2005, retroactive to 12:01 a.m. on August 26, 2005. In furtherance of the power vested in the commissioner and the jurisdiction of the commissioner over all matters related to insurance that were affected by Hurricane Katrina and/or its aftermath the commissioner hereby amends Emergency Rule 15 to adopt new sections and provisions and to set forth dates for the termination of Emergency Rule 15.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2739. Termination

A. Emergency Rule 15 shall terminate for the category of insureds and for the types of insurance set forth herein on the dates established below.

1. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 15 shall terminate with regards to any and all types of health insurance, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medical supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance and any and all other health insurance for the following category of insureds:

a. any person who previously met the definition of §2701.A.1 of Emergency Rule 15 who resided in one of the following seven primary parishes: Jefferson, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa and Washington;

b. any person who previously met the definition of §2701.A.2 of Emergency Rule 15;

c. any person who previously met the definition of §2701.A.3 of Emergency Rule 15 and who resided in one of the following seven secondary parishes: Lafourche, Livingston, St. Charles, St. James, St. John the Baptist, St. Mary and Terrebonne;

d. any person who previously was extended protection pursuant to §2701.A.4 of Emergency Rule 15.

2. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 15 shall terminate for all types of insurance enumerated in §2703 of Emergency Rule 15 for the following category of insureds:

a. any person who previously met the definition of §2701.A.1 of Emergency Rule 15 who resided in one of the following three primary parishes: Jefferson, Tangipahoa and Washington;

b. any person who previously met the definition of §2701.A.2 of Emergency Rule 15;

c. any person who previously met the definition of §2701.A.3 of Emergency Rule 15 and who resided in one of the following seven secondary parishes: Lafourche, Livingston, St. Charles, St. James, St. John the Baptist, St. Mary and Terrebonne;

d. any person who previously was extended protection pursuant to §2701.A.4 of Emergency Rule 15.

3. Effective at 12:00 a.m. (midnight) on December 31, 2005, if not previously terminated herein pursuant to §2739.A.1 or §2739.A.2, Emergency Rule 15 shall terminate for all remaining types of insurance enumerated in §2703 of Emergency Rule 15 for the following category of insureds:

a. any person who previously met the definition of §2701.A.1 of Emergency Rule 15 who resided in one of the following four primary parishes: Orleans, Plaquemines, St. Bernard and St. Tammany.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2741. Nonrenewal, Nonreinstatement and Premium Increase

A. The commissioner reiterates that, except as provided for in §2715 of Emergency Rule 15, the nonrenewal or nonreinstatement of any and all types of insurance enumerated in §2703 of Emergency Rule 15 and in §3101.B of Emergency Rule 17, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 is hereby suspended and shall be deferred until January 1, 2006 for those insureds who are current with their premium payments.

B. The commissioner reiterates that any rate increase that may be applicable to any and all types of insurance enumerated in §2703 of Emergency Rule 15 and in §3101.B of Emergency Rule 17, including any and all other insurance licensed by the commissioner, or doing business in Louisiana, that was in effect at 12:01 a.m. on August 26, 2005 shall be deferred until January 1, 2006, and said insurance shall continue in full force and effect until January 1, 2006 at the previously established premium for those insureds who are current with their premium payments.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2743. Continuing Jurisdiction

A. The commissioner hereby retains the right of continuing jurisdiction over all sections and provisions set forth Emergency Rule 15, as originally adopted and/or as amended, after the termination of Emergency Rule 15 for purposes of interpretation, enforcement and any and all other regulatory action.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§2745. Severability Clause

A. If any section or provision of Emergency Rule 15, as originally adopted and/or as amended, is held invalid, such invalidity or determination shall not affect other sections or provisions, or the application of Emergency Rule 15, as originally adopted and/or as amended, to any persons or circumstances that can be given effect without the invalid sections or provisions and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

J. Robert Wooley
Commissioner

0511#049

DECLARATION OF EMERGENCY

Department of Insurance Office of the Commissioner

Rule 17—Suspension of Certain Statutes and Regulations
Regarding Health Insurance and Related Provisions
Regarding Any and All Health Insurance Matters Affecting
Insureds in Louisiana Caused by Hurricane Katrina
(LAC 37:XI.3147-3167)

Emergency Rule 17 was issued on September 20, 2005 and is retroactive to 12:01 a.m. on August 26, 2005. As justification for the action taken pursuant to this amendment, J. Robert Wooley, Commissioner of Insurance ("Commissioner"), hereby terminates certain sections and provisions set forth in original Emergency Rule 17 by reference as if set forth herein *in extenso*.

The commissioner has determined that Emergency Rule 17 has had the desired effect of providing sufficient time for insureds in Louisiana to protect their health insurance needs, obtain the services of a health care provider or health care professional, file for health insurance benefits for covered claims under their health insurance policy and/or take sufficient action to begin the process to return to normalcy in the post-Katrina era. Additionally, the commissioner has determined that the viability of the health insurance industry as well as the viability of the health care providers and health care professionals may be negatively impacted if Emergency Rule 17 is not terminated at some reasonable date in the near future.

Accordingly, the commissioner has determined, pursuant to the grants of authority set forth in the original Emergency Rule 17, that it is appropriate to set dates for the termination of Emergency Rule 17. Additionally, the commissioner has determined that it is proper to distinguish between those health insurance policies where the premium has been paid as compared to those where the premium has not been paid. Also, the commissioner has determined that it is proper to distinguish between those health care providers and/or health care professionals who rendered services within and/or who operate businesses within the seven primary parishes affected by Hurricane Katrina and/or its aftermath. Lastly, recognizing that insureds/persons face numerous obstacles

with regard to their health insurance coverage the commissioner has determined it is necessary to take action to minimize the possibility that insureds/persons may lose their health insurance due to their inability to adhere to certain pre-established time frames under the Health Insurance Portability and Accountability Act (hereinafter HIPAA) and/or certain notice time frames under the Consolidated Omnibus Budget Reconciliation Act (hereinafter COBRA).

In light of this, Emergency Rule 17 is hereby amended to provide various termination dates for the various types of health insurance and to provide for termination dates with regard to those insureds/persons located in both the primary and secondary parishes as defined in Emergency Rule 17 and to provide for the payment of claims to health care providers and health care professionals who rendered health care to insureds/persons during the time when Emergency Rule 17 is in effect. To facilitate cross referencing, this amendment will set forth both the Section of Emergency Rule 17 as issued by the commissioner and the Section of the Emergency Rule 17 as published by the Office of the State Register. This Declaration of Emergency was adopted on November 1, 2005.

Title 37

INSURANCE

Part XI. Rules

Chapter 31. Rule 17—Suspension of Certain Statutes and Regulations Regarding Health Insurance and Related Provisions Regarding Any and All Health Insurance Matters Affecting Insureds in Louisiana Caused by Hurricane Katrina

§3147. Affirmation of Emergency 17 and Amendment

A. Emergency Rule 17 was previously adopted by the commissioner on September 20, 2005, retroactive to 12:01 a.m. on August 26, 2005. In furtherance of the power vested in the commissioner and the jurisdiction of the commissioner over all matters related to insurance that were affected by Hurricane Katrina and/or its aftermath, the commissioner hereby amends Emergency Rule 17 to adopt new sections and provisions and to set forth dates for the termination of Emergency Rule 17.

AUTHORITY NOTE: Promulgated in accordance with Executive Order KBB 05-40, R.S. 29:724, R.S. 29:766, R.S. 22:2, R.S. 22:3, R.S. 22:1214.(7), (12) and (14), R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 32:

§3149. Termination

A. Emergency Rule 17 shall terminate for the category of insureds/persons and for the types of insurance set forth herein on the dates established below.

1. Effective at 12:00 a.m. (midnight) on November 30, 2005, Emergency Rule 17 shall terminate with regards to any and all types of health insurance enumerated in Emergency Rule 17, including, but not limited to, group and individual health and accident insurance, limited benefit insurance, Medical supplement insurance, Medicare select insurance, HMOs, PPOs, MCOs, TPAs, excess loss insurance, stop loss insurance, disability income insurance, short-term health insurance, long-term care insurance and any and all other health insurance for the following category of insureds: